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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,907	01/28/2002	Thibaut Moutanari	ATOCM-246	1484
23599	7590	03/22/2005	EXAMINER	
MILLEN, WHITE, ZELANO & BRANIGAN, P.C. 2200 CLARENDON BLVD. SUITE 1400 ARLINGTON, VA 22201			WOODWARD, ANA LUCRECIA	
			ART UNIT	PAPER NUMBER
			1711	

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/055,907

Applicant(s)

MONTANARI, THIBAUT

Examiner

Ana L. Woodward

Art Unit

1711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,7,9-13,15-22,25-28,30-32,35-50,55-58 and 60-72 is/are pending in the application.
- 4a) Of the above claim(s) 22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,7,9-13,15-21,25-28,30-32,35-50,55-58 and 60-72 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Claim 22 stands withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected group, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on October 23, 2003. Contrary to applicants' arguments filed February 28, 2005, there is an additional burden upon the PTO to examine the coated article of claim 22. This is because the search in class 428 for claim 22 is not required for the search of group I claims. That is, the search fields for said different inventions are not co-extensive.

Claim Rejections - 35 USC § 112

2. Claims 1-5, 7, 9-13, 15-21, 25-28, 30-32, 35-50, 55-58 and 60-72 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1 and 72, the metes and bounds of the "modifier (M)" are indeterminate in scope since it is unclear what property or function is being modified. As presently recited, said generically disclosed component does not distinguish over either component (C), which modifies the antistatic properties of the composition, or component (D), which modifies the compatibility of (A) and (B).

In claim 1, "between 0 and 50%" is indefinite because it is unclear as to whether or not the recited end points are included in the range. In this regard, attention is directed to the use of the term "inclusive" in the recitation of the ranges set forth in claims 13 and 15-20. Clarification is requested.

Art Unit: 1711

In claims 13 and 15-20, it is unclear as to how the term “inclusive” limits the recited range defining (C), (D) and (M).

In claim 37, it is unclear as to what is meant by “allowing a reduction in the temperature required to make the blend of (A) and (B) transparent”.

In claim 37, it is unclear as to whether or not the presence of the compatibilizer is required.

In claim 41, there is no express antecedent basis for “supple”.

Claim 41 is further indefinite in that it is unclear as to whether only the modifier, as opposed to the entire composition, is being claimed.

In claim 50, the terminology “wherein (A) comprises.....” is redundant.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5, 7, 9, 11-13, 15-21, 25-28, 30-32, 35-50, 55-58, 62-64, 68, 71 and 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 5,886,087 (Dalla Torre) in view of U.S. 4,822,852 (Wittman et al) and U.S. 4,410,661 (Epstein et al).

Dalla Torre discloses transparent compositions comprising

1) a transparent amorphous polyamide derived from an aliphatic diamine and an aliphatic diacid, wherein either the diamine or the diacid is cycloaliphatic, reading on the presently claimed amorphous polyamide (B),

- 2) a transparent semi-crystalline polyamide in an amount of ***up to 60% by weight based on the total weight of polyamide***, reading on the presently claimed semi-crystalline polyamide (A) and
- 3) at least one additive, embracing the presently claimed compatibilizer (D) and modifier (M). See claims 1, 8, examples 3 and 4 and column 3, lines 16-22.

Suitable additives include impact strength modifiers, which read on the generically claimed compatibilizer (D) and modifier (M).

Dalla Torre differs in essence from the present claims in not expressly exemplifying the amount of the optional additives. In this regard, attention is directed to Wittman et al and Epstein et al, each directed to mixtures of amorphous and semi-crystalline polyamides. From said disclosures it is known that high amounts of impact modifiers can be added to mixtures of amorphous and semi-crystalline polyamides. For example, Wittman et al teach that up to 65% by weight of impact modifiers can be added and Epstein et al teach that up to 40% by weight of impact modifiers can be added. Accordingly, it would have been obvious to one having ordinary skill in the art to have formulated a composition per Dalla Torre et al comprising up to 50% by weight of an impact modifier as the additive and correspondingly, 50% by weight of the amorphous polyamide/semi-crystalline polyamide mixture, wherein the semi-crystalline polyamide comprises up to 60% by weight of said total weight of polyamide. Said composition, comprising 1) 20% by weight of the amorphous polyamide, 2) 30% by weight of the semi-crystalline polyamide and 3) 50% by weight of impact modifier, would meet the requirements of the present claims both in terms of the types of materials added and their contents.

Art Unit: 1711

Regarding the requirement that the amorphous polyamide be derived from isophoronediamine (e.g., claims 5, 64), it is maintained that such is generically encompassed and rendered obvious by Dalla Torre's generic disclosure of cycloaliphatic diamines to one having ordinary skill in the art.

With respect to the claims requiring PA11 as the semi-crystalline polyamide, it is noted that PA 11 can be advantageously used by Dalla Torre in lieu of the exemplified PA 12 as the semi-crystalline polyamide (column 3, line 9).

As regards the claims requiring specific modifier or compatibilizer polymers, said polymers are well known impact modifiers for polyamide compositions as taught by Epstein et al (columns 7-8). Accordingly, it would have been obvious to one having ordinary skill in the art to have used a conventional impact modifier, as taught by Epstein et al, as the impact strength modifier of Dalla Torre.

The rejection pertains to the embodiments of the present claims wherein either compatibilizer (D) or modifier (M) is present, but not polyamide (C).

Response to Amendment

5. Applicant's amendments filed February 28, 2005 have necessitated the 35 U.S.C. 103 rejection set forth hereinabove. This is because the claims, as amended, no longer require the presence of the polyamide (C).

Response to Arguments

6. Applicant's arguments filed February 28, 2005 have been fully considered but they are not persuasive. It is maintained that the metes and bounds of the "modifier (M)" are indeterminate in scope since it is unclear what property or function is being modified. As

Art Unit: 1711

presently recited, said generically disclosed component does not distinguish over either component (C), which modifies the antistatic properties of the composition, or component (D), which modifies the compatibility of (A) and (B).

Allowable Subject Matter

7. The prior art of record neither discloses nor renders obvious the incorporation of either a copolymer containing polyamide blocks and polyether blocks, applicants' component (C), or a (catalyzed) polyamide, applicants' specific component (D), into a composition comprising a semi-crystalline polyamide and an amorphous polyamide. Accordingly, the present claims requiring the presence of either of said components would be allowable.

8. Claims 10, 60, 61, 65-67, 69 and 70 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

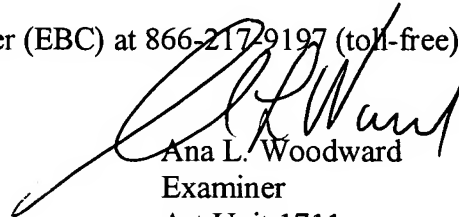
Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ana L. Woodward whose telephone number is (571) 272-1082. The examiner can normally be reached on Monday-Friday (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James J. Seidleck can be reached on (571) 272-1078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1711

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ana L. Woodward
Examiner
Art Unit 1711

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